

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI  
19TH JUDICIAL DISTRICT**

JOHNATHAN BYRD, et al.	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 22AC-CC05079
	)	
STATE OF MISSOURI, et al.	)	
	)	
Defendants.	)	

**MOTION FOR JUDGMENT ON THE PLEADINGS AND STIPULATED FACTS**

Article III, Section 23, of the Missouri Constitution prohibits any bill from containing “more than one subject” and requires that the subject “be clearly expressed in its title.” Article III, Section 21, prohibits any bill from being “so amended in its passage through either house as to change its original purpose.” Among other things, these procedural limitations improve the legislative process and ensure that neither legislators nor the public are blindsided by the contents of bills enacted into law.

On June 29, 2022, the Governor approved House Bill (HB) 1606, which had passed the General Assembly in the final days of the legislative session in May. As originally introduced, HB 1606 was titled “AN ACT To repeal [four sections of the Revised Statutes of Missouri] and to enact in lieu thereof two new sections relating to county financial statements,” and it contained provisions concerning county financial statements. As enacted, HB 1606 is titled “AN ACT To repeal [forty-two sections of the Revised Statutes of Missouri] and to enact in lieu thereof fifty new sections relating to political subdivisions, with a delayed effective date for a certain section and with penalty provisions.” The legislation primarily contains provisions relating to the regulation of political subdivisions.

In the course of the legislative process, however, a section was added to HB 1606—section 67.2300—the subject of which is not county financial statements or the regulation of political subdivisions, but homelessness. Among other things, section 67.2300 imposes restrictions on the use of state funds for the homeless, provides certain immunity to campground owners and employees operating a campground using state funds for the homeless, and criminalizes using state-owned land for unauthorized sleeping, camping, or long-term shelters. Many of its subsections bear no relationship at all to political subdivisions.

The inclusion of section 67.2300 in HB 1606 violates the single-subject, clear-title, and original-purpose requirements of the Missouri Constitution. Accordingly, the Court should declare HB 1606 unconstitutional, declare section 67.2300 invalid, and enjoin defendants from enforcing or implementing section 67.2300.

## **BACKGROUND**

### **A. History of HB 1606**

On January 5, 2022, Representative Peggy McGaugh introduced HB 1606 in the Missouri House of Representatives. *See* Joint Stipulation of Facts and Exhibits (Stip.) ¶ 1. As introduced, HB 1606 was titled “AN ACT To repeal [four sections of the Revised Statutes of Missouri] and to enact in lieu thereof two new sections relating to county financial statements.” Ex. A at 1. The bill reduced the amount of information certain counties were required to publish in their county financial statements, allowing counties of the second, third, and fourth classification to publish summaries of certain financial data—as counties of the first classification were already allowed to do—rather than more detailed information. *Id.* at 1–7. As Representative McGaugh explained in a

hearing before the House Local Government Committee, the purpose of the bill was “just simply to save the counties money” by reducing their publication costs.<sup>1</sup>

The House of Representatives passed HB 1606 on March 24, 2022, with only a minor change to the original version, concerning the annual deadline for counties to publish their financial statements. Stip. ¶¶ 4–5. The bill then went to the Missouri Senate, which sent the bill to the Local Government and Elections Committee. Stip. ¶ 7. The committee recommended that the Senate pass a substitute bill that included additional provisions and changed the bill’s name to “AN ACT To repeal [eleven sections of the Revised Statutes of Missouri] and to enact in lieu thereof nine new sections relating to county officials, with penalty provisions.” Stip. ¶¶ 8–9.

On April 27, 2022, less than three weeks before the scheduled end of the legislative session, the full Senate adopted a senate substitute to the committee’s substitute bill, with 19 further amendments, including amendments that replaced “county officials” in the title of the committee’s substitute bill with “political subdivisions.” Stip. ¶ 10. Among the new amendments was Amendment No. 19, which added section 67.2300 to the Revised Statutes of Missouri. Stip. ¶ 11. That section contains nine subsections relating to homelessness. These nine provisions had been included, with minor variations, in the house committee substitute and senate committee substitute of other bills, HB 2614 and Senate Bill (SB) 1106, Stip. ¶ 12, the titles of which indicated that section 67.2300 “relat[ed] to funding for housing programs,” Exs. B, C. Neither HB 2614 nor SB 1106 was ever voted on for final passage by the full House of Representatives or Senate. Stip. ¶ 15.

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<sup>1</sup> The Missouri House of Representative makes videos of legislative proceedings available at <https://house.mo.gov/MediaCenter.aspx?selected=VideoFeeds>. Stip. ¶ 6. Representative McGaugh’s statement can be viewed by going to that website, clicking “Archive Video,” searching videos for February 10, 2022, and clicking the link for “Local Government [HR7].” Representative McGaugh begins speaking at 9:12 and makes the quoted statement at 9:16.

On May 4, 2022, the Senate read for the third time and passed the senate substitute to HB 1606, which included section 67.2300. Stip. ¶ 16. The House refused to pass the senate substitute to HB 1606 and requested that the Senate recede or grant a conference. Stip. ¶ 17. The bill went to a conference committee, which proposed a substitute bill. Stip. ¶¶ 18–19. The Senate and House passed the conference committee substitute bill on May 11 and 12, 2022. Stip. ¶ 20. On May 18, 2022, the bill was delivered to the Governor, who approved it on June 29, 2022. Stip. ¶ 22.

**B. House Bill 1606, as Enacted**

As enacted, HB 1606 is entitled “AN ACT To repeal [forty-two sections of the Revised Statutes of Missouri] and to enact in lieu thereof fifty new sections relating to political subdivisions, with a delayed effective date for a certain section and with penalty provisions.” Ex. D at 1. Most of the bill’s provisions relate to the regulation of political subdivisions. In addition to provisions relating to publication of county financial statements, the bill as enacted contains provisions relating to county officials’ salaries; county auditors’ access to and ability to audit claims; the inclusion of marital status on deeds; political subdivisions’ establishment of neighborhood improvement districts, community improvement districts, and redevelopment areas and projects; the inclusion of certain employees in the Missouri local government employees’ retirement system; the Municipal Land Reutilization Law; political subdivisions’ annual financial statements to the state auditor; county collectors’ discretion to hold electronic auctions of lands with delinquent taxes; taxation of World Cup soccer matches in Jackson County; the creation of transportation development districts; political subdivisions’ building codes’ prohibitions on the use of certain refrigerants; the addition of county and municipal park ranger vehicles to the definition of “emergency vehicles”; condemnation proceedings; the conveyance of state lands; and political subdivision requirements respecting COVID-19 vaccinations. *Id.* at 1–64.

In addition, HB 1606, as enacted, contains the section added by Amendment No. 19 to the senate substitute—section 67.2300—related to homelessness. *Id.* at 20–23. Section 67.2300 contains nine subsections:

The first subsection contains definitions of “state funds” and “department.” *Id.* at 20. It defines “state funds” as funds “raised by the state and federal funds received by the state for housing or homelessness,” excluding “any federal funds not able to be used for housing programs pursuant to this section due to federal statutory or regulatory restrictions.” *Id.* It defines “department” as “any department authorized to allocate funds raised by the state or federal funds received by the state for housing or homelessness.” *Id.*

The second subsection specifies how state funds for the homeless may be spent. *Id.* at 20–21. In particular, it provides that state funds can be used for 1) parking areas that provide access to potable water, electric outlets, and sufficient bathrooms; 2) camping facilities, provided that individuals experiencing homelessness may only camp and store personal property at camping facilities in the areas designated to them by the agency providing the facilities and the facilities provide a mental health and substance use evaluation as designated by a state or local agency; 3) individual shelters that house between one and three people, provide basic sleeping accommodations, electricity, showers, and bathrooms, and are limited to occupation by each person for not more than two years; and 4) congregate shelters if the shelters monitor and provide programs to improve employment, income, and prevention of return to homelessness for those who leave the shelters. *Id.* The subsection requires the department (as defined in the first subsection) to provide performance payments of up to ten percent to programs of these types that meet guidelines established by the department. *Id.* at 21. The subsection also requires that individuals using facilities funded under the subsection be entered into a homelessness

management information system maintained by the local continuum of care. *Id.* The subsection does not permit state funds for the homeless to be spent on the construction of permanent housing.

The third subsection makes the owners, employees, and officers of private campgrounds operating under the section subject to § 537.328, RSMo, which provides immunity from liability for injury, death, or property damage resulting from an inherent risk of camping. Ex. D at 21.

The fourth subsection addresses state funds that would otherwise have been used for the construction of permanent housing for homeless people. *Id.* It provides that such funds instead shall be used to assist homeless people “with substance use, mental health treatment, and other services, including short-term housing.” *Id.* It requires the department to provide up to 25 percent of the allocation of such funds as performance payments to political subdivisions or not-for-profit organizations providing those services as rewards for meeting preset goals on reducing days unhoused, days incarcerated, and days hospitalized. *Id.* The subsection also allows political subdivisions and not-for-profit organizations to use a portion of state grants that otherwise would have been used for permanent housing to conduct certain surveys related to homeless people. *Id.*

The fifth subsection prohibits people from using “state-owned lands for unauthorized sleeping, camping, or the construction of long-term shelters.” *Id.* It provides that any violation of the prohibition “shall be a class C misdemeanor,” although “for the first offense such individual shall be given a warning, and no citation shall be issued unless that individual refuses to move to any offered services or shelter.” *Id.*

The sixth subsection prohibits political subdivisions from adopting or enforcing policies “prohibit[ing] or discourag[ing] the enforcement of any order or ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.” *Id.* at 22. It further provides that “[i]n compliance with subsection 5,” a political subdivision shall not prohibit or discourage a peace officer or

prosecuting attorney under its direction or control from enforcing any such order or ordinance, although the political subdivision may encourage diversion programs or offer services in lieu of a citation or arrest. *Id.* The subsection permits the attorney general to sue any political subdivision that violates it. *Id.*

The seventh subsection provides that, within a year of HB 1606’s enactment, any political subdivision with a higher per-capita rate of homelessness than the state average will stop receiving state funding from the department until the department determines either that the political subdivision has a per-capita rate of unsheltered homeless people that is at or lower than the state average or that the political subdivision is in compliance with the sixth subsection. *Id.*

The eighth subsection permits the department authorized to allocate funds under the section to promulgate regulations to implement the section. *Id.*

The ninth subsection provides that the provisions of the section do not apply to shelters for victims of domestic violence. *Id.* at 23.

Section 67.2300 becomes effective on January 1, 2023. *Id.* at 64.

### **C. The Parties**

Johnathan Byrd, Jessica Honeycutt, and Allison Miles are housing justice advocates who are residents and taxpayers of Missouri. Stip. ¶ 24. As taxpayers, the plaintiffs “have a legally protectable interest in the proper use and expenditure of tax dollars.” *Lebeau v. Comm’rs of Franklin Cnty., Mo.*, 422 S.W.3d 284, 288 (Mo. banc 2014). Accordingly, they have an interest in section 67.2300, which dictates how state funds are spent, and the implementation of which will require the expenditure of funds generated through taxation. *See* Ex. D at 20–22.

The defendants are all parts of the State of Missouri with roles in implementing HB 1606. The State of Missouri enacted HB 1606 and is responsible for executing it. Attorney General Eric

Schmitt is empowered to bring actions under subsection 6 of section 67.2300 to enjoin violations of that subsection. *Id.* at 22. And the Missouri Housing Development Commission has authority to allocate funds raised by the state or federal funds received by the state for housing or homelessness. *See* §§ 215.010 *et seq.*, RSMo.

## ARGUMENT

The Missouri Constitution places restrictions on the legislative process, requiring bills to address only a single subject that is clearly expressed in the bill’s title and forbidding the legislature to amend bills so as to change their original purpose. By including section 67.2300’s provisions on homelessness in a bill whose main subject is political subdivisions, whose title indicates that the contents of the bill relate to political subdivisions, and whose original purpose related to reducing county publication costs, HB 1606 violates the Missouri Constitution.

### **I. HB 1606 Violates the Single-Subject Requirement.**

Article III, Section 23, of the Missouri Constitution provides that “[n]o bill shall contain more than one subject.” This provision “is mandatory and not merely directory.” *Mo. Roundtable for Life, Inc. v. State*, 396 S.W.3d 348, 351 (Mo. banc 2013). It serves “to facilitate orderly legislative procedure,” “defeat surprise within the legislative process,” and “prevent ‘logrolling’—the practice of combining a number of unrelated amendments in a bill, none of which alone could command a majority, but which, taken together, combine the votes of a sufficient number of legislators having a vital interest in one portion of the amended bill to muster a majority for its entirety.” *Hammerschmidt v. Boone Cnty.*, 877 S.W.2d 98, 101 (Mo. banc 1994) (internal quotation marks and citation omitted). The single-subject requirement also “maintains appropriate checks by the governor over legislative action” by “prevent[ing] the legislature from forcing the

governor into a take-it-or-leave-it choice when a bill addresses one subject in an odious manner and another subject in a way the governor finds meritorious.” *Id.* at 102.

“The test for whether a bill violates the single subject rule is whether the bill’s provisions fairly relate to, have a natural connection with, or are a means to accomplish the subject of the bill as expressed in the title.” *Giudicy v. Mercy Hosps. E. Communities*, 645 S.W.3d 492, 499 (Mo. banc 2022) (citation omitted). This test does not look at “how the provisions relate to each other, but [at] whether the provisions are germane to the general subject of the bill.” *Id.* (citation omitted).

For example, in *City of De Soto v. Parson*, 625 S.W.3d 412 (Mo. banc 2021), the Missouri Supreme Court considered a bill whose title revealed that its subject was “elections” but that also included provisions that required the “department of revenue to issue an annual report listing all sales and use tax levies that had been authorized by state law, approved by local voters, and collected by the department of revenue” and that “provide[d] an exception to the ordinary consequences of a city annexing land that had been part of a fire protection district.” *Id.* at 414. Explaining that the contents of the bill “contain provisions that do not fairly relate to, have a natural connection with, or serve as an incident to or means of accomplishing th[e] subject” of elections, the Court held that the bill violated the single-subject requirement. *Id.* at 417.

In contrast, in *Trenton Farms RE, LLC v. Hickory Neighbors United, Inc.*, 603 S.W.3d 286 (Mo. banc 2020), the Court held that a bill whose title indicated that it related to the “regulation of water systems” and that included a provision changing the criteria for members of the clean water commission did not violate the single-subject requirement. The Court concluded that “the composition of the clean water commission, a body that regulates ‘the waters of the state,’ fairly relates to the regulation of water systems.” *Id.* at 295 (internal citation omitted).

Here, the general subject of HB 1606 is the regulation of political subdivisions. As enacted, HB 1606’s title is “An Act To repeal [forty-two sections of the Revised Statutes of Missouri] and to enact in lieu thereof fifty new sections relating to political subdivisions, with a delayed effective date for a certain section and with penalty provisions.” Ex. D at 1. Consistent with that title, most of the provisions in HB 1606 concern the regulation of political subdivisions, covering topics such as the publication of county financial statements, the creation of transportation development districts, and political subdivisions’ abilities to cover certain employees as public safety personnel members of the Missouri local government employees’ retirement system.

Section 67.2300, however, contains provisions that do not relate to the regulation of political subdivisions. The fifth subsection, for example, prohibits unauthorized sleeping or camping on state-owned lands. *Id.* at 21. That subsection, which regulates natural people, “do[es] not fairly relate to [political subdivisions], nor do[es it] have any natural connection to that subject.” *Mo. Roundtable for Life*, 396 S.W.3d at 352. Likewise unrelated to the regulation of political subdivisions are the second subsection of section 67.2300, which specifies how state funds for the homeless may be used, and the third subsection, which relates to immunity for private campground owners and employees operating a facility using state funds for the homeless. Ex. D at 20–21. By including these provisions that are not germane to the main subject of the bill, HB 1606 violates the single-subject requirement.

The fourth subsection of section 67.2300 specifies how state funds otherwise used for the construction of permanent housing are to be spent, requires the department allocating funds to provide up to a certain amount as performance payments to not-for-profit organizations or political subdivisions, and allows not-for-profit organizations or political subdivisions to use state grants otherwise used for permanent housing to conduct certain surveys. *Id.* at 21. This subsection, too,

does not fairly relate to political subdivisions. In *Rizzo v. State*, 189 S.W.3d 576 (Mo. banc 2006) the Missouri Supreme Court held that a law whose title, like HB 1606’s, stated that the law was enacting provisions “relating to political subdivisions,” violated the single-subject requirement because it included a section prohibiting federal criminals from running for elective office in Missouri. Although that provision applied to people running for elective office in a political subdivision (including the plaintiff), it was “not so limited.” *Id.* at 579. “Rather, it applie[d] equally to candidates in statewide elections.” *Id.* The Court concluded that it “stretche[d] logic to suggest that laws ‘relating to political subdivisions’ would have any impact on *statewide* governmental functions.” *Id.* Likewise, here, it stretches logic that an act on political subdivisions would regulate the use of state funds by not-for-profit organizations, as the fourth subsection of section 67.2300 does. Ex. D at 21. Unlike the many provisions of HB 1606 that “relate exclusively to political subdivisions,” *Rizzo*, 189 S.W.3d at 581, section 67.2300’s subsection four, which affects all entities that receive state funds that would otherwise be used for construction of permanent housing for the homeless, “is clearly a separate subject.” *Id.*

More broadly, section 67.2300 as a whole addresses a separate subject than the regulation of political subdivisions—homelessness. *See, e.g., City of De Soto*, 625 S.W.3d at 418 (holding that inclusion of provisions on annexation of land in fire-protection districts in law about elections violated the single-subject requirement, even though provisions mentioned elections, where “[e]ven taking the most generous view, the subject of those amendments is annexations, not ‘elections’”). The original bills containing versions of section 67.2300, HB 2614 and SB 1106, described the section as “relating to funding for housing programs.” Exs. B, C. And section 67.2300’s “*raison d’etre*” is not to regulate political subdivisions, but to control the allocation of state funds for the homeless and to keep homeless people from sleeping on, camping out on, or

blocking public lands. *Rizzo*, 189 S.W.3d at 580. Even subsections 6 and 7 of section 67.2300—which prohibit political subdivisions from adopting or enforcing a policy prohibiting or discouraging the enforcement of an order or ordinance prohibiting public camping, sleeping, or obstruction of sidewalks, *see* Ex. D at 22 (subsection 6), and deny certain political subdivisions funding unless they can show they are in compliance with that prohibition, *see id.* (subsection 7)—“serve[] no purpose beyond furthering” the goals of keeping homeless people from sleeping on, camping on, or blocking public lands. *Hammerschmidt*, 877 S.W.2d at 103. Both because many subsections of section 67.2300 do not fairly relate to the regulation of political subdivisions and because section 67.2300 as a whole addresses a different subject, HB 1606’s inclusion of section 67.2300 violates the single-subject requirement of the Missouri Constitution.

## **II. HB 1606 Violates the Clear-Title Requirement.**

In addition to requiring bills to address only a single subject, Art. III, Section 23, of the Missouri Constitution requires that the bill’s subject “be clearly expressed in its title.” “The purpose of the clear title requirement is to keep legislators and the public fairly apprised of the subject matter of pending laws. This requirement is violated when the title is underinclusive or too broad and amorphous to be meaningful.” *Trenton*, 603 S.W.3d at 295 (citation omitted).

In *National Solid Waste Management Ass’n v. Director of Department of Natural Resources*, 964 S.W.2d 818 (Mo. banc 1998), *as modified* (Apr. 21, 1998), the Missouri Supreme Court held that an act whose title stated that it was repealing eighteen sections “relating to solid waste management” and enacting twenty new sections “relating to the same subject” violated the clear-title requirement by including a section that “imposed new requirements for the issuance of permits, licenses, and grants of authority for both solid waste and hazardous waste facilities.” *Id.* at 819, 820. “A title stating that the bill relates to solid waste management is unclear if the bill

relates also to hazardous waste management,” the Court explained. *Id.* at 821. The “lack of conformity” between the title of the bill, which referred only to “solid waste management,” and the contents of the bill, which “include[d] the particular subject of hazardous waste management,” made the title “underinclusive” and “affirmatively misleading.” *Id.*

The title of HB 1606 is similarly underinclusive. Although HB 1606’s title indicates that its contents relate to “political subdivisions,” Ex. D at 1, numerous of section 67.2300’s subsections do not even arguably relate to political subdivisions and the section as a whole addresses a different topic. No one reading the title of the act would suspect that it included provisions that, for example, criminalize using state-owned land for unauthorized sleeping, camping, or long-term shelters; provide immunity from liability to certain owners, employees, and officers of private campgrounds; and govern how not-for-profit organizations that receive state funds for the homeless may use those funds. *See id.* at 21. Because the provisions of section 67.2300 do “not conform to the title” of HB 1606, the title is “affirmatively misleading,” and HB 1606 violates the Missouri Constitution’s clear-title requirement. *Nat’l Solid Waste Mgmt.*, 964 S.W.2d at 821.

### **III. HB 1606 Violates the Original-Purpose Requirement.**

Article III, Section 21, of the Missouri Constitution provides that “no bill shall be so amended in its passage through either house as to change its original purpose.” Although this restriction does not forbid legislators from adding to, extending, or limiting legislation, it prohibits “the introduction of a matter that is not germane to the object of the legislation or that is unrelated to its original subject.” *Legends Bank v. State*, 361 S.W.3d 383, 386 (Mo. banc 2012). The “original purpose” of the bill refers to its “general purpose,” and “is established by the bill’s ‘earliest title and contents’ at the time the bill is introduced.” *Id.* (quoting *Mo. Ass’n of Club Executives v. State*,

208 S.W.3d 885, 888 (Mo. banc 2006)). To determine whether a bill violates the original-purpose requirement, courts “compare the purpose of the original bill as introduced with the bill as passed.” *Trenton*, 603 S.W.3d at 294.

In *Legends Bank*, 361 S.W.3d 383, for example, the Missouri Supreme Court held that a bill containing provisions related to ethics, campaign finance restrictions, and legislators’ access to keys to the capitol dome violated the original-purpose requirement. As originally introduced, the bill had been titled “An Act to amend chapter 37, RSMo, by adding one new section relating to contracts for purchasing, printing, and services for statewide elected officials,” and had contained a single section, which pertained to statewide elected officials’ determination of the lowest bidder during procurement. *Id.* at 385. Based on the original title and contents, the Court determined “that the original purpose pertained to procurement of necessary goods and services for elected officials.” *Id.* at 386. Because “[e]thics, campaign finance restrictions and keys to the capitol dome [we]re not germane to the original purpose of [the bill], which was to change the method by which statewide elected officials bid for printing services, paper and similar items,” the Court held that it violated the original-purpose requirement. *Id.*

Here, when it was originally introduced, HB 1606 was titled “AN ACT To repeal [four sections of the Revised Statutes of Missouri] and to enact in lieu thereof two new sections relating to county financial statements.” Ex. A at 1. The bill shortened the county financial statements that counties of the second, third, and fourth classification are required to publish in the newspaper each year, thereby saving those counties costs associated with publication. *Id.* at 1–7. As Representative McGaugh, who introduced the bill, stated before the House Local Government

Committee, the bill was “just simply to save the counties money.”<sup>2</sup> Statements on the floor of the House before the House voted on the legislation underscored that purpose of the bill. One Representative stated: “This is a good bill. It really modernizes and it really cuts the cost factor, which is tremendous in small communities, and even large communities, publishing things that aren’t necessary.” “This was a[n] unnecessary cost that we endured every budget year,” another Representative agreed.<sup>3</sup>

As enacted, however, HB 1606 contains section 67.2300, which is not “logically connected or germane” to the original purpose of HB 1606. *Legends Bank*, 361 S.W.3d at 387. Section 67.2300 does not relate to county financial statements or reducing county publication costs. Indeed, section 67.2300 does not relate at all to the reduction of county costs or administrative burdens. Instead, it seeks to control the allocation of state funds for the homeless and to keep homeless people from sleeping on, camping on, or blocking public lands. These purposes “were not remotely within the original purpose of the bill.” *Club Executives*, 208 S.W.3d at 888.

This case is unlike *Jackson County Sports Complex Authority v. State*, 226 S.W.3d 156 (Mo. banc 2007), in which the Missouri Supreme Court held that the original purpose of the bills at issue was the “regulation of political subdivisions,” and thus that the addition of a provision regulating certain sports complex authorities—a particular type of political subdivision—did not deviate from the original purpose. *Id.* at 161. In *Jackson*, the original titles of the bills at issue

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<sup>2</sup> See *supra* n.1. Although “statements of representatives concerning the intention of a statute” are not “controlling in determining legislative intent,” they are “entitled to some weight where they are consistent with the statute and other legislative history.” *Hastings v. Van Black*, 831 S.W.2d 214, 215 (Mo. App. W.D. 1992).

<sup>3</sup> Videos of the Representatives’ statements can be viewed at <https://house.mo.gov/MediaCenter.aspx?selected=VideoFeeds>, see Stip. ¶ 6, by clicking “Archive Video,” searching videos for March 24, 2022, and clicking the link for “2022 Legislative Session – Day 40 – Thursday, March 24 [Chamber].” The quoted statements begin at 10:48 and 10:49.

indicated that they related to “political subdivisions” and “county government.” *Id.* at 159. And as introduced, both bills contained provisions relating to a range of topics concerning political subdivisions. One bill contained five provisions about competitive bidding and purchasing requirements for counties, one provision about county financial statements, and one provision related to water supply districts’ ability to recover for unpaid services; the other bill contained multiple provisions related to county official salaries, along with a provision related to county assessors’ duties and ability to enter lands and structures to perform assessments. *Id.* Given both the original titles of the bills and the fact that the commonality between the bills’ original provisions was that they all involved political subdivisions or counties, the general purpose of the original bills could “fairly be said to be the regulation of political subdivisions.” *Id.* at 161.

In contrast, here, the original purpose of HB 1606 was not to regulate political subdivisions generally. The title of the original bill was far more limited, the bill contained provisions related to the publication of county financial statements only, and the representative who introduced the bill explained that it was intended to reduce county costs. Although the “original purpose” of a bill for purposes of the original-purpose requirement is its “general” or “overarching purpose,” *id.*, the purpose should not be interpreted at the broadest level possible when it is clear that the actual purpose of the bill as introduced was more specific. Indeed, were courts required to interpret the purpose of original bills so broadly, the Missouri Supreme Court would have interpreted the original purpose of the bill in *Legends Bank*, 361 S.W.3d at 386, to be “elected officials,” rather than “procurement of necessary goods and services for elected officials,” rendering provisions such as the one giving legislators access to keys to the capitol dome within the original purpose.

In any event, even if the original purpose of HB 1606 had been to regulate political subdivisions, section 67.2300 would not be germane to that purpose, because many of its

provisions bear no relationship to political subdivisions, and the section overall concerns homelessness, not the regulation of political subdivisions. Because it includes matters not germane to its original purpose, HB 1606 violates the original-purpose requirement.

#### **IV. This Court Should Order Declaratory and Injunctive Relief.**

Missouri courts regularly grant declaratory and/or injunctive relief upon finding violations of the single-subject, clear-title, or original-purpose requirements. *See, e.g., Mo. Roundtable for Life*, 396 S.W.3d 348 (affirming judgment enjoining implementation of legislation that violated single-subject requirement); *Legends Bank*, 361 S.W.3d 383 (affirming judgment voiding sections of legislation that were not germane to the legislation’s original purpose); *Club Executives*, 208 S.W.3d 885 (affirming judgment declaring three provisions of legislation that were not germane to the legislation’s original purpose to be invalid and unenforceable); *Home Builders Ass’n of Greater St. Louis v. State*, 75 S.W.3d 267, 272 (Mo. banc 2002) (invalidating legislation that violated clear-title requirement); *SSM Cardinal Glennon Children’s Hosp. v. State*, 68 S.W.3d 412 (Mo. banc 2002) (declaring void provision of legislation that did not relate to subject of the legislation as expressed in its title); *Nat’l Solid Waste Mgmt. Ass’n*, 964 S.W.2d 818 (enjoining defendant from enforcing section of legislation that was not encompassed in the legislation’s title).

Likewise here, this Court should declare HB 1606 unconstitutional, declare section 67.2300 invalid, and enjoin defendants from enforcing or implementing section 67.2300. This case presents a “a real, substantial, and presently existing controversy” about the constitutionality of HB 1606 that is “ripe for judicial adjudication.” *Mo. State Conf. of Nat’l Ass’n for Advancement of Colored People v. State*, 601 S.W.3d 241, 247 (Mo. banc 2020). As taxpayers, Mr. Byrd, Ms. Honeycutt, and Ms. Miles have a “direct interest in the proper use and allocation of tax receipts” that gives them a “sufficient stake in the outcome” of this case. *Lebeau*, 422 S.W.3d at 288 (internal

quotation marks and citation omitted). And an injunction is necessary to “prevent[] the unlawful expenditure of money raised by taxation,” *id.* (citation omitted), for which there is no adequate remedy at law.

Taxpayers’ ability to enforce “the procedural provisions of Missouri’s constitution is of particular importance because these provisions are designed to assist the citizens of Missouri by providing legislative accountability and transparency.” *Id.* at 289. Absent declaratory and injunctive relief here, defendants will be able to implement and enforce section 67.2300, even though its adoption violated the Constitution’s mandates. This Court should provide plaintiffs relief that avoids that result and ensures that section 67.2300 will not be executed or enforced.

### CONCLUSION

For the foregoing reasons, the Court should declare that HB 1606 is unconstitutional, declare that section 67.2300 is invalid, and enjoin defendants from enforcing or implementing section 67.2300.

Respectfully Submitted,

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\*motion for pro hac vice pending

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent via the Court's electronic filing system to all entered parties on this 2nd day of November, 2022.

/s/ Amanda J. Schneider